

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF	) APPEAL NO. 07-A-2414
ROBERT AND ELIZABETH WILLIS from the	) FINAL DECISION
decision of the Board of Equalization of	) AND ORDER
Bonneville County for tax year 2007.	)

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing November 5, 2007, in Idaho Falls, Idaho before Board Member David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant Robert Willis appeared. Assessor Blake Mueller and Appraiser Brian Moore appeared for Respondent Bonneville County. This appeal is taken from a decision of the Bonneville County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RPA15730080350.

**The issue on appeal is the market value of a residential property.**

**The decision of the Bonneville County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$37,638, and the improvements' valuation is \$186,620, totaling \$224,258. Appellants request the total assessed value be reduced to \$215,000.

Subject property is .33 acres with a 1,816 square foot single-family residence built in 2005, located in Idaho Falls.

Appellant deemed an increase of \$48,448 or 27% in a twelve month period was unreasonable.

The Taxpayer presented three sales located on subject's street. The first sale

property was a two story residence with a two car garage that sold for \$221,000 in August 2006. The second sale property was a 3,300 square feet ranch style residence, with an unfinished basement and a two car garage, that sold for \$208,000 in October 2007. The third sale was the same floor plan and size as subject, with a three car garage which sold for \$200,000 in early spring of 2005.

Appellant contended the third sale was the most comparable to subject as it was similar in terms of lot size, layout, and overall home features.

Respondent was unaware of the sales reference by Appellant, but presented thirteen (13) improved sales, all of which were located in the same area as subject. Photographs of the properties were submitted. The sales were detailed and examined closely by Respondent. The sale prices ranged between \$229,000 and \$308,000, or \$101.70 and \$155.20 per square foot. Subject's assessed value is \$224,258 or \$102.76 per square foot.

Respondent presented ten (10) bare land sales, all of which were located in subject's immediate area. The land sales ranged in price from \$31,900 to \$41,900, for lots similar in size to subject.

The Assessor explained subject's area was re-appraised for the 2007 tax year. It was argued when subject was first purchased for \$208,000 in 2005, it was assessed too low at \$179,000. It was further explained a high percentage increase in one year was due to the fact that in trying to hit market value in the five year revaluation a large adjustment was needed because subject was low to begin with.

## CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Both parties did an excellent job of researching information for the Board to review.

Idaho Code 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant submitted three sales of properties located in subject's immediate area, in support of the reduction claimed. Appellant's case was primarily constructed around the three sales and the contention subject's value had increased excessively over a one-year period.

While sales are good evidence of market value one sale took place in early 2005 and another occurred after the statutory Jan 1, 2007 lien date, thus leaving only one comparable sale for the Board to consider.

The Board finds the numerous sales presented by the County were substantial evidence of market value for subject. Sales evidence demonstrated subject's lot valuation was based on comparable residential lot sales. Lastly, the current

assessment appeared to be arrived at through periodic revaluation and annual indexing as required in Idaho Code § 63-314. Respondent's exhibits supported subject's assessed value.

This Board finds the County Assessor did consider the known value factors concerning the subject property.

Idaho Code Section 63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

This Board finds that Appellant did not prove by a preponderance of evidence that relief was warranted. Therefore, this Board finds for Bonneville County and will affirm the decision of the Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Bonneville County Board of Equalization concerning the subject parcel

be, and the same hereby is, affirmed.

MAILED APRIL 30, 2008